

Finish (1)

CV-05 3110

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.

**INSTRUCTIONS FOR FILING A COMPLAINT BY A PRISONER
UNDER THE CIVIL RIGHTS ACT, 42 U.S.C. § 1983**

JUN 28 2005 ★

To start an action, you must file an original and one copy of your complaint for each defendant you name and one copy for the court. For example, if you name two defendants, you must file the original and three copies of the complaint. You should also keep an additional copy of the complaint for your own records. All copies of the complaint must be identical to the original.

LONG ISLAND OFFICE

FEUERSTEIN, S
LINDSAY, M.

The Clerk will not file your complaint unless it conforms to these instructions and to these forms.

Your complaint must be legibly handwritten or typewritten. You, the plaintiff, must sign and declare under penalty of perjury that the facts are correct. If you need additional space to answer a question, you may use additional 8 1/2 x 11 (standard letter size) paper.

Your complaint can be brought in this court only if one or more of the named defendants is located within this district. Further, you must file a separate complaint for each claim that you have unless they are all related to the same incident or issue.

You are required to furnish, so that the United States Marshal can complete service, the correct name and address of each person you have named as defendant.

In order for this complaint to be filed, it must be accompanied by the filing fee of \$150.00.

If you are unable to pay the filing fee and service costs for this action, you may petition for the court to proceed in forma pauperis. A blank petition for this purpose is included in this packet. The original should be filed with your complaint and a copy should be kept by you.

You will note that you are required to give facts. **THIS COMPLAINT SHOULD NOT CONTAIN LEGAL ARGUMENTS OR CITATIONS.**

When these forms are completed, mail a signed original and the copies to the Clerk of the United States District Court, Eastern District of New York, 225 Cadman Plaza East, Brooklyn, NY 11201 or, in Long Island to: Clerk of the United States District Court for the Eastern District of New York, 100 Federal Plaza, Central Islip, NY 11722.

Kindly list all defendants to this lawsuit and the address at which each may be served. If you do not provide an address for a defendant, that defendant will not be served.

Defendant No. 1

PEDRO TORRES, Parole officer
81 Executive Blvd.
Farmingdale, n. y. 11735

Defendant No. 2

Jay A. Trotter, Administrative Law Judge
State of new york Division
of Parole.
Albany, n. y.

Defendant No. 3

STATE of new york Division of Parole
Capital Station, Empire Plaza
Albany, New York.

Defendant No. 4

Defendant No. 5

Please attach additional 8 1/2 x 11 paper if necessary.

FORM TO BE USED BY A PRISONER FILING A COMPLAINT
UNDER THE CIVIL RIGHTS ACT, 42 U.S.C. § 1983

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

BOWDS, Johnnie

Full name of plaintiff/prisoner ID# 8844749

Plaintiff,

-against-

TRIAL BY JURY DEMAND
YES X NO

Pedro Torres, Parole officer
JAY A. Tinter, Administrative Law Judge
State of New York Division of Parole
Enter full names of all defendants

Defendants.

I. Previous Lawsuits:

A. Have you begun other lawsuits in state or federal court dealing with the same facts involved in this action or otherwise relating to your imprisonment? Yes X No ()

B. If your answer to A is yes, describe the lawsuit in the space below (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same outline.)

1. Parties to this previous lawsuit:

Plaintiffs:

BOWDS, Johnnie

Defendants:

Pedro Torres, Parole officer
JAY A. Tinter, Administrative Law Judge
State of New York Division of Parole

2. Court (if federal court, name the district;
if state court, name the county)

Supreme Court - Suffolk County

3. Docket Number: 0402520

4. Name of Judge to whom case was assigned: _____

5. Disposition: (for example: Was the case dismissed? Was it appealed? Is it still pending?)

Dismissed

6. Approximate date of filing lawsuit: January (2004)

7. Approximate date of disposition: October (2004)

II. Place of Present Confinement: Suffolk County Correctional Fac.

A. Is there a prisoner grievance procedure in this institution? Yes ☒ No ()

B. Did you present the facts relating to your complaint in the state prisoner grievance procedure? Yes () No ☒

C. If you answer is YES;

1. What steps did you take? _____

2. What was the result? _____

D. If you answer is NO, explain why not State Laws under that of Parole can only be appealed to parole Division

E. If there is no prison grievance procedure in the institution, did you complaint to prison authorities? Yes ☒ No ()

F. If you answer is YES,

1. What steps did you take? By ^(B) having it place upon record reasons why the Defendant(s) violated my civil Rights.

2. What was the result? to Appeal to Albany where defendant(s) determination was affirmed.

III. Parties

(In item A below, place your name in the first blank and place our present address in the second blank. Do the same for additional plaintiffs, if any.)

A. Name of plaintiff BOWDS, TOTHANIE
Address P.O. Box 69, Yaphank, New York. 11980

(In item B below, place the full name of the defendants in the first blank, his official position in the second blank, and his place of employment in the third blank. Use item C for the names, positions, and places of employment of any additional defendants.)

B. Defendant Pedro Torres is employed as an officer for Parole at 81 Executive Blvd, Farmingdale, New York. 11735

C. Additional Defendants Jay A. Tioster is employed as an administrative Law Judge for the State of New York Division of Parole.

D. State of New York Division of Parole located at Capital Station, Empire Plaza, Albany, New York.

IV. Statement of Claim

(State here, as briefly as possible, the facts of your case. Describe how each defendant is involved. Include the names of other persons involved, dates and places. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Use as much space as you need. Attach additional 8 1/2 x 11 sheets, if necessary.)

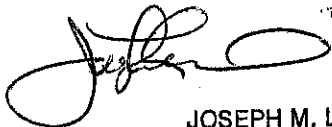
At Final Parole Hearing held at Riverhead Correctional Fac., Plaintiff requested Document(s) upon Subpoena by his Counselor of Record. This request was rejected by Judge Tioster, who found Plaintiff guilty and mandated him to Willard Drug Treatment Program for (97) days. This program was refused by Plaintiff who was given another violation for his Refusal. During his Second Hearing plaintiff once again placed it upon record that his Civil Rights were being violated. Second administrative Law Judge rejected Document(s) and sentence Plaintiff to one year (1) Jail Time which plaintiff then had to appeal to Albany, who rendered it decision (11) months later, affirming earlier determinations.

V. Relief

(State briefly exactly what you want the court to do for you.
Make no legal arguments. Cite no cases or statutes.)

To be Allowed my day in Court to see Justice
done. 1) Showing Document(s) that my Civil Rights
were violated
2) Showing first that officers (perjury) should not
stand.
3) That plaintiff Time/Life done have value
as plaintiff is seeking compensation for time
Sentence, wherein he suffered.

Signed this 21st day of June 2005, 10. I
declare under penalty of perjury that the foregoing is true
and correct.



JOSEPH M. LEAVENS
Notary Public, State of New York
No. 01LE6005326
Qualified in Suffolk County
Commission Expires April 13, 2006


Signature of Plaintiff

Plaintiff's Date of Birth

Social Security Number